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Counsel to the Debtor

In the Matter of:	UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY
WILLIAM SHERWOOD	Chapter 13
Debtor.	Case No. 18-22099/CMG
	Hearing Date: July 15, 2020 at 9:00 a.m.
	Honorable Christine M. Gravelle

**NOTICE OF MOTION FOR AN ORDER EXPUNGING THE CLAIM OF SIMCO SALES INC  
CLAIM NUMBER 9, PURSUANT TO 11 U.S.C. SECTION 502**

To: Honorable Christine M. Gravelle  
United States Bankruptcy Judge  
for the District of New Jersey

Simco Sales Inc.  
Attn: Martin Goldman  
3820 Rock Hampton Drive  
Tarzana, CA 91356

PLEASE TAKE NOTICE that on July 15, 2020 at 9:00 a.m. or as soon thereafter as counsel may be heard, the undersigned, attorney for the Debtor, shall move before the Honorable Christine M. Gravelle, United States Bankruptcy Judge, at the United States Bankruptcy Court, 402 East State Street, Trenton, New Jersey, for an entry of an order expunging the claim of Simco Sales Inc., claim number 9, pursuant to 11 U.S.C. Section 502.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the Application submitted herewith;

PLEASE TAKE FURTHER NOTICE that pursuant to the Local Rule 9013-1(i), unless the Court authorizes or directs otherwise, prior to the return date hereof, no testimony shall be taken at the hearing on this motion, except by certification or by affidavit;

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 9013-2, it is hereby respectfully submitted that no brief is necessary in the Court's consideration of this Motion, as it does not involve a complex issue of law;

PLEASE TAKE FURTHER NOTICE that in accordance with Local Rule 9013-1(d), opposition to the relief requested by this Motion and/or cross-motions, if any, shall be filed with the Clerk of the Bankruptcy Court and serviced upon this office within seven (7) days of the return date of this Motion;

PLEASE TAKE FURTHER NOTICE that pursuant to the Local Rule 9013-1(a), this Motion shall be deemed uncontested unless responding papers are timely filed in accordance with Local Rule 9013-1(d); and

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 9013-1(a), a proposed form of Order is submitted herewith.

Respectfully submitted,

*/s/ Mitchell Malzberg*

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MITCHELL MALZBERG, ESQ.  
LAW OFFICES OF MITCHELL J. MALZBERG, LLC  
Counsel to the Debtor

Dated: June 10, 2020

Mitchell Malzberg, Esq.  
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In the Matter of:	UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY
WILLIAM SHERWOOD	Chapter 13
Debtor.	Case No. 18-22099/CMG
	Hearing Date: July 15, 2020 at 9:00 a.m.
	Honorable Christine M. Gravelle

**APPLICATION FOR AN ORDER EXPUNGING THE CLAIM OF SIMCO SALES INC,  
CLAIM NUMBER 9, PURSUANT TO 11 U.S.C. SECTION 502**

To: Honorable Christine M. Gravelle  
United States Bankruptcy Judge  
for the District of New Jersey

Simco Sales Inc.  
Attn: Martin Goldman  
3820 Rock Hampton Drive  
Tarzana, CA 91356

The application of William Sherwood, respectfully represents:

BACKGROUND FACTS

1. On June 15, 2018, (the "Petition Date") William Sherwood (the "Debtor") filed voluntary bankruptcy under Chapter 13 of the Bankruptcy Code.
2. Albert Russo is the Standing Chapter 13, Trustee.
3. On or about July 19, 2018 the meeting of Creditors was held. The deadline to file a Proof of Claim was August 24, 2018.
4. In review of all of the claims filed to date, I have certain claims which I object to.

5. Pursuant to the Court's Deadline to File Proof of Claim served upon all creditors by the Clerk of the United States Bankruptcy Court, the bar date for governmental units was 180 days from the date of the Order for Relief and all other creditors were required to file proofs of claim on or before August 24, 2018 ("Date Notice").

6. It is now past the bar date for creditors to file proofs of claim pursuant to the Bar Date Notice.

THE DEBTOR'S OBJECTIONS TO THE CLAIMS IN THIS CASE

7. By the within motion, I seek an Order pursuant to 11 U.S.C. Section 502 and Fed. R. Bankr. P. 3007 expunging certain claims filed against the debtor's estate (the "Claims").

8. I object to the claim of Simco Sales Inc, claim number 9, as this claim is against City Beverages Inc., a corporate entity, and not a claim against the debtor personally. There is no personal guaranty executed by the Debtor. The purported default judgment was obtained post-petition and is a violation of the stay. As such, I seek to expunge the claim of Simco Sales Inc, claim number 9.

9. I reviewed all of the claims filed in this case. The objection contained herein is based upon my review of the claims as compared with (1) the debtor's records, (2) relevant case law, and (3) various other facts and circumstances surrounding the claims.

Respectfully submitted,

*/s/ Mitchell Malzberg*

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MITCHELL MALZBERG, ESQ.  
LAW OFFICES OF MITCHELL J. MALZBERG, LLC  
Counsel to the Debtor

Dated: June 10, 2020

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

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*Counsel to the Debtor*

In Re:

WILLIAM SHERWOOD

Debtor.

Chapter 13

Case No. 18-22099/CMG

Hearing Date: July 15, 2020 at 9:00 a.m.

Honorable Christine M. Gravelle

**ORDER EXPUNGING CLAIM OF SIMCO SALES INC, CLAIM NUMBER 9**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby

**ORDERED.**

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WILLIAM SHERWOOD

Case No. 18-22099/CMG

ORDER EXPUNGING CLAIM OF SIMCO SALES INC, CLAIM NUMBER 9

**THIS MATTER**, having been opened to the Court by Mitchell Malzberg Esquire, counsel to the Debtor, for an order expunging the claim of Simco Sales Inc, claim number 9, against the Debtor, and the Court having considered the application submitted in support hereof, the opposition hereto, and the arguments of counsel, and for good cause shown;

**IT IS ORDERED** that relief requested in hereby granted and the filed claim of Simco Sales Inc, Claim 9, be and is hereby expunged.

**IT IS FURTHER ORDERED** that a copy of the within Order be served upon all parties in interest within seven (7) days of entry.